IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Con.Case(C).No. 432 of 2007(S)

IN WPC.27842/2004 Dated 06/04/2005

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PETITIONER/ PETITIONER IN WPC.

R.K.MALAYATH, S/O. RAMAN NAIR,
AGED 55 YEARS, MALAYATH VIEW, COURT ROAD, NILAMBUR

BY ADV. SRI.K.P.MUJEEB.

RESPONDENTS/RESPONDENTS.
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1. K.J.THOMAS,(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER), ADDITIONAL CHIEF SECRETARY & PRINCIPAL SECRETARY TO GOVERNMENT, DEPARTMENT OF HOME & VIGILANCE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. S.D.JAYAPRASAD, (AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER), MEMBER SECRETARY, POLLUTION CONTROL BOARD, THIRUVANANTHAPURAM.

3. RAMAN SREEVASTHAVA, (AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER), DIRECTOR GENERAL OF POLICE,THIRUVANANTHAPURAM.

4. RAMESH, (AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER), TRANSPORT COMMISSIONER, THIRUVANANTHAPURAM.

5. THARUN KUMAR, (AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER), SUPERINTENDENT OF POLICE, MALAPPURAM.

6. SHAJI, (AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER), SUB INSPECTOR OF POLICE, NILAMBUR.

BY SPECIAL GOVERNMENT PLEADER SHRI C.T. RAVIKUMAR.
BY SHRI M.K. CHANDRAMOHAN DAS, SC, POLLUTION CONTROL BOARD.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

Cont. Case © NO. 432 OF 2007

Dated this the 9th July, 2007

JUDGMENT

H.L.DATTU, C.J.

The only direction that was issued by this Court while disposing of W.P.(C) No.27842 of 2004 on 6th April, 2005 is as under:

> " Petitioners who are private operators have no legal right to use air horns, they have to operate vehicles only fitted with electric horn in strict conformity with IS 1884-1993."

2. Complaining that the respondents have not complied with the aforesaid direction issued by this Court, the petitioner is before us in this contempt petition.

3. The contesting contemnor has filed a detailed counter affidavit before this Court. In that, he has categorically stated that sufficient circulars had been issued by the respondents to all the Regional Transport Officers to take appropriate proceedings against those transport operators who are still continuing to use air horns instead of electric horns as directed by this Court. It is also stated that sufficient steps have been taken to see that private operators would comply with the orders and directions issued by this Court.

4. Having seen the orders passed by this Court, the allegations made in the contempt petition and the counter affidavit filed by the fourth respondent, we are of the opinion that there is substantial

compliance with the orders and directions issued by this Court. In that view of the matter, no further proceedings need be taken.

The Contempt Case is accordingly, closed.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

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